

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 1997-239-C - ORDER NO. 2009-393

JUNE 18, 2009

IN RE: Proceeding to Establish Guidelines for an Intrastate Universal Service Fund (USF)	) ORDER APPOINTING ) HEARING OFFICER AND ) POSTPONING HEARING ) DATE
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This matter comes before the Public Service Commission of South Carolina ("Commission") on the request of various parties to this Docket for the appointment of hearing officer for procedural purposes, and for postponement of a scheduled hearing date for oral argument on various issues regarding the Universal Service Fund ("USF").

The Office of Regulatory Staff ("ORS") sent a letter dated May 28, 2009, which had the attached concurrences of the South Carolina Telephone Coalition ("SCTC") and the South Carolina Cable Television Association ("SCCTA"), all of whom are parties to this Docket. ORS asserted that during deliberation of the Customer Choice and Technology Investment Act, which became law on May 6, 2009, the Chairman of the Senate Judiciary Subcommittee directed it to host a meeting with the various stakeholders in an attempt to resolve concerns with the legislation. One of the matters discussed was the filing of a request with this Commission for a hearing to address whether basic local service should receive State Universal Service Support when it is included in a bundled service offering or contract offering.

SCCTA, CompSouth, tw telecom of south carolina, llc, and Nuvox Communications Incorporated (collectively referred to as the “CLECs”) filed a “Motion Requesting Review of USF Issues” on July 3, 2008, and raised the issue of whether basic local service lines that are part of a package or a “bundle/contract offering” should receive State Universal Service Fund (“State USF”). The SCTC and ORS agree that the bundled services issue needs to be addressed by the Commission.

Pursuant to the agreement as presented to and agreed to by the Senate Judiciary subcommittee, the ORS, with the concurrence of the SCTC and the SCCTA, requests that this Commission prioritize the issue of whether basic local service should receive State USF support when it is included in a bundled service offering or contract offering, and address this matter separate and apart from and prior to any other pending issues.

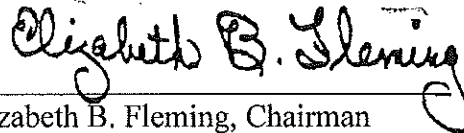
The parties request that this Commission appoint a hearing officer and schedule a status conference in order to establish deadlines for prefiled testimony and to set a hearing date. In light of this filing, the parties also ask that this Commission hold in abeyance the other issues raised in Docket No. 1997-239-C, and postpone the scheduled August 10<sup>th</sup> hearing date for Oral Argument until after the bundled services issue has been addressed by the Commission.

After consideration of the ORS letter, we hereby prioritize the issue of whether basic local service should receive State USF support when it is included in a bundled service offering or contract offering, and we agree and so hold that this matter shall be addressed separate and apart from and prior to any other pending issues in this USF Docket.

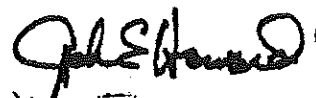
We also appoint attorney F. David Butler, Esquire as the hearing officer in this matter, pursuant to S.C. Code Ann. Section 58-3-40 (Supp. 2008), and direct him to schedule a status conference in order to establish deadlines for prefiled testimony, and to set a hearing date. We also direct that other issues raised in this Docket shall be held in abeyance, and we hereby grant postponement and continuance of the presently scheduled August 10, 2009 hearing date for Oral Argument until after the bundled services issue has been addressed by this Commission.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

  
Elizabeth B. Fleming, Chairman

ATTEST:

  
John E. Howard, Vice Chairman

(SEAL)